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ABSTRACT

This manual is said to be intended to bring together under one cover the fundamental documents relating to the landmark legislation, the Transitional Bilingual Education Act. A general synopsis of Chapter 71A of the Act includes what a program in transitional bilingual education consists of, who has the right to it, and what the obligations of the local school committees and the department of education are. The five sections of that chapter, declaration of policy, amendment of chapter, authorization for reimbursement, establishment of bureau of transitional bilingual education-its powers and duties, and repeal of Chapter 852, are outlined and briefly discussed. Criteria set down to determine bilingual teacher competencies in language skills and culture include requirements of foreign service institute native or bilingual proficiency rating, requirements of foreign service institute minimum professional proficiency in English, and requirements of culture competency in English and other languages. Approval procedures are also outlined. Several guidelines for parental involvement in transitional bilingual education programs are provided that address the "when", "how", "why", "who", and "what" of the programs. Appendixes include parent participation regulations. (Author/AM)

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BILINGUAL BICULTURAL IS TWO WAY EDUCATION

BILINGÜE BICULTURAL ES EDUCACIÓN EN AMBAS DIRECCIONES

L'EDUCATION BILINGUE ET BI-CULTURELLE ENSEIGNÉE DANS DEUX SENS

EDUCAZIONE BILINGUE E BI-CULTURALE ISTRUISCE IN DUE SENSI

BILINGUE BICULTURAL É EDUCAÇÃO EM AMBAS DIRECÇÕES

ΔΙΔΑΞΑΤΕ ΤΑ ΠΑΙΔΙΑ ΣΑΣ ΔΥΟ ΓΛΩΣΣΕΣ ΚΑΙ ΔΥΟ ΠΟΛΙΤΙΣΜΟΥΣ

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TWO WAY

CONTACT YOUR LOCAL SCHOOL

PONGASE EN CONTACTO CON SU ESCUELA LOCAL

CONTACTEZ VOTRE ECOLE LOCALE

CHIAMARE LA SCUOLA LOCALE

CONTACTE A SUA ESCOLA LOCAL

ΕΛΑΤΕ ΕΙΣ ΕΠΑΦΗ ΜΕ ΤΑ ΤΟΠΙΚΑ ΑΜΕΡΙΚΑΝΙΚΑ ΣΧΟΛΕΙΑ

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PREFACE

On November 4, 1971, following the unanimous passage by both houses of the Great and General Court, Governor Francis Sargent signed into law the *Transitional Bilingual Education Act*, an act providing for the establishment and implementation of programs in Transitional Bilingual Education in the public schools of the Commonwealth with reimbursement by the Commonwealth to cities, towns, and school districts for financing the additional costs of such programs.

This occurred after four years of hard work on the part of many citizens, educators, such elected officials as Speaker of the House David Bartley and Representative Michael J. Daly, the Massachusetts Teachers Association and the Massachusetts Department of Education.

The most persuasive arguments for this legislation were documented in such literature as "The Way We Go to School," a report by the Task Force of Children Out of School, as well as many other studies which repeatedly indicated that linguistic minority children have been two or three grades behind their age level in the Commonwealth schools as well as throughout the nation.

The urgency of that situation led many interested citizens to seek a solution, which we believed would be found in the nation's first mandatory Transitional Bilingual Education Act.

The purpose of this manual is to bring together under one cover the fundamental documents relating to this landmark legislation in the hope that it may serve others in their attempt to guarantee equal education to all linguistic minority children.

Gregory R. Anrig
Commissioner

GENERAL SYNOPSIS
TRANSITIONAL BILINGUAL EDUCATION LAW
CHAPTER 71A

The General Court recently passed a mandatory transitional bilingual education law. Each year the school committees throughout the state will be required to determine the number of children of limited English-speaking ability. Where there are more than twenty children of limited English-speaking ability of one language group (children in parochial schools excluded), the school committee will be required by the new law to provide a program in transitional bilingual education.

What does a program in transitional bilingual education consist of?

In an educational program of transitional bilingual education, the medium of instruction of all required courses shall be in the student's native language initially, and then to an increasing degree, in English. The instructional objectives of the program are:

1) development of reading and writing skills in the native language;

2) development of oral comprehension, speaking, reading and writing of English. An integral component of the program in transitional bilingual education shall be instruction in the history and culture of the country of the student's primary language and in the history and culture of the United States. The program shall be a full-time program and shall be up to three years duration for each student.

The intent of the law is *not* to segregate the students of limited English-speaking ability. The transitional bilingual education classes are required to be located in the regular public schools, wherever feasible. Thus, the students can participate with other students in courses which do not require extensive verbalization, such as art, music, and physical education. The students of limited English-speaking ability should also be given full opportunity to participate in extracurricular activities. Finally, English-speaking children may be enrolled in the transitional bilingual classes.

The transitional bilingual education classes shall be composed of students of approximately the same age level and level of educational attainment. Classes may also be offered in pre-school programs and summer school programs.

Who has the right to transitional bilingual education?

Any child whose primary language is other than English and who has difficulty performing ordinary classwork in English has the right to participate in these classes.

What are the obligations of the local school committees?

The local school committees shall conduct an annual census to determine the number of children who shall receive transitional bilingual education. This

census shall be conducted before March 1 of each year. The school committees shall be responsible for the development of the transitional bilingual education program where there are twenty or more children of limited English-speaking ability in one language group.

The school committees shall notify the parents or legal guardians of the students enrolled in the program no longer than ten (10) days after the student is enrolled in the transitional bilingual education program. The notification of enrollment must be both in English and in the native language of the parents or guardian and must include the following information:

1) a clear statement of the purpose, method and content of the transitional bilingual education program;

2) a statement of parental rights which shall include:

a) visits to the transitional bilingual classes

b) conferences with school personnel and

c) right to withdraw the student at any time upon written notification to the school authorities.

A school district may accept eligible non-resident students for the transitional bilingual education classes. The tuition and half the transportation costs shall be paid for by the sending school district, subject to eligible reimbursable costs under this law.

School districts may combine with others to provide transitional bilingual education.

Who may teach in the transitional bilingual education classes?

Chapter 71A creates new certification criteria especially for teachers of transitional bilingual education. The criteria are:

1) possess a speaking and reading ability in a language other than English in which bilingual education is offered and communicative skills in English;

2) are in good health;

3) are of sound moral character;

4) possess a bachelor's degree or an earned higher academic degree or are graduates of a normal school approved by the Board of Education;

5) meet such requirements as to courses of study, semester hours therein, experience, and training as may be required by the Board;

6) are legally present in the United States and possess legal authorization for employment.

The school committee may not prescribe additional teacher qualifications, except if they are specifically approved by the Board. Also, a school committee may request a waiver of the certification requirements if it is not able to secure

sufficiently certified bilingual teachers. The statute requires that the school committee shall give preference to persons who have been certified as teachers in their native country or place of national origin.

The teachers of transitional bilingual education, including those exempt from the certification criteria, shall be paid by the local school committee at the same level as permanent teachers. Two years of service while teaching under the exemption may be credited toward tenure, once the teacher has fulfilled the certification requirements.

What are the reimbursable expenditures?

The State shall reimburse the school districts for the amount of the cost of transitional bilingual education which exceeds the average per pupil expenditure for the education of children of comparable age. The State shall reimburse one half of the district transportation costs.

The authorized appropriations are as follows:

$1.5 million for 72-73
$2.5 million for 73-74
$2.5 million for 74-75
$4.0 million for 75-76 and subsequent school years.

In the event that reimbursable costs exceed the amount appropriated, reimbursement will be based on a ratio of the maximum State funds available to the total funds expended by all the school committees.

Chapter 71A provides an additional source of funds for the education of students of limited English-speaking ability. The law does not authorize the school districts to reduce expenditures from local and federal sources, including monies allocated under the federal Elementary and Secondary Act, for transitional bilingual education.

What are the obligations of the Department of Education?

The Department of Education will create a unit of Transitional Bilingual Education, headed by a project director.

The responsibilities of the bilingual unit will be:

1) administration and enforcement of the law;

2) development of guidelines and regulations;

3) provision for maximum feasible participation of parents of children of limited English-speaking ability in the planning, development and evaluation of transitional bilingual education programs in the districts serving their children;

4) provision for the participation in the formulation of policy and procedures from a wide spectrum of people concerned about the education of children of limited English-speaking ability;

5) development of information on relevant resources and materials;

6) development of the theory and practice of bilingual education;

7) encouragement of experimentation and innovation in bilingual education;

8) recommendations in the areas of pre-service training, curriculum and materials development, testing and other areas where needed.

This unit shall also set the maximum student-teacher ratio and prescribe testing instruments for the annual assessment of English skills of students enrolled in transitional bilingual education.

Finally, the unit shall make an annual review of each program to determine if the school committee has complied with the provisions of the Law and its regulations and is eligible for reinbursement.

CHAPTER 71A
TRANSITIONAL BILINGUAL EDUCATION

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CHAPTER 71A
TRANSITIONAL BILINGUAL EDUCATION

Passed, November 4, 1971
Enacted, February 4, 1972

An act providing for the establishment and implementation of programs in transitional bilingual education in the public schools of the commonwealth, with reimbursement by the commonwealth to cities, towns and school districts to finance the additional costs of such programs.

[Added, 1971, ch. 1005, sect. 1 and sect. 2]

Section 1. *Declaration of policy.* The General Court finds that there are large numbers of children in the commonwealth who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The General Court believes that a compensatory program of transitional bilingual education can meet the needs of these children and facilitate their integration into the regular public school curriculum. Therefore, pursuant to the policy of the commonwealth to insure equal educational opportunity to every child, and in recognition of the needs of children of limited English-speaking ability, it is the purpose of this act to provide for the establishment of transitional bilingual education programs in the public schools, and to provide supplemental financial assistance to help local school districts to meet the extra costs of such programs.

Section 2. The General Laws are hereby amended by inserting after chapter 71 the following chapter:

Section 1. The following words, as used in this chapter shall, unless the context requires otherwise, have the following meanings: —

"Department," the department of education.

"School committee," the school committee of a city, town or regional school district.

"Children of limited English-speaking ability," (1) children who were not born in the United States whose native tongue is a language other than English and who are incapable of performing ordinary classwork in English and (2) children who were born in the United States of non-English speaking parents and who are incapable of performing ordinary classwork in English.

"Teacher of transitional bilingual education," a teacher with a speaking and reading ability in a language other than English in which bilingual education is offered and with communicative skills in English.

"Program in transitional bilingual education," a fulltime program of instruction (1) in all those courses or subjects which a child is required by law to receive and which are required by the child's school committee which shall be

given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English, (2) in the reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

Section 2. Each school committee shall ascertain, not later than the first day of March, under regulations prescribed by the department, the number of children of limited English-speaking ability within their school system, and shall classify them according to the language of which they possess a primary speaking ability.

When, at the beginning of any school year, there are within a city, town or school district not including children who are enrolled in existing private school systems, twenty or more children of limited English-speaking ability in any such language classification, the school committee shall establish, for each classification, a program in transitional bilingual education for the children therein; provided, however, that a school committee may establish a program in transitional bilingual education with respect to any classification with less than twenty children therein.

Every school-age child of limited English-speaking ability not enrolled in existing private school systems shall be enrolled and participate in the program in transitional bilingual education established for the classification to which he belongs by the city, town or school district in which he resides for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur.

A child of limited English-speaking ability enrolled in a program in transitional bilingual education may, at the discretion of the school committee and subject to the approval of the child's parent or legal guardian, continue in that program for a period longer than three years.

An examination in the oral comprehension, speaking, reading and writing of English, as prescribed by the department, shall be administered annually to all children of limited English-speaking ability enrolled and participating in a program in transitional bilingual education. No school committee shall transfer a child of limited English-speaking ability out of a program in transitional bilingual education prior to his third year of enrollment therein unless the parents of the child approve the transfer in writing, and unless the child has received a score on said examination which, in the determination of the department, reflects a level of English language skills appropriate to his or her grade level.

If later evidence suggests that a child so transferred is still handicapped by an inadequate command of English, he may be re-enrolled in the program for a length of time equal to that which remained at the time he was transferred.

Section 3. No later than ten days after the enrollment of any child in a program in transitional bilingual education the school committee of the city, town or the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in transitional bilingual education. The notice shall contain a simple, non-technical description of the purposes, method and content of the program in which the child is enrolled and shall inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education. Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in transitional bilingual education in the manner as hereinafter provided.

The notice shall be in writing in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

Any parent whose child has been enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from said program by written notice to the school authorities of the school in which his child is enrolled or to the school committee of the city, town or the school district in which his child resides.

Section 4. A school committee may allow a non-resident child of limited English-speaking ability to enroll in or attend its program in transitional bilingual education and the tuition for such a child shall be paid by the city, town, or the district in which he resides.

Any city, town or school district may join with any other city, town, school district or districts to provide the programs in transitional bilingual education required or permitted by this chapter.

The commonwealth, under section eighteen A of chapter fifty-eight, shall reimburse any city, town or district for one-half of the cost of providing transportation for children attending a program in transitional bilingual education outside the city, town or district in which they reside.

Section 5. Instruction in courses of subjects included in a program of transitional bilingual education which are not mandatory may be given in a language other than English. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in the regular public school classes provided for said subjects. Each school committee of every city, town or school district shall ensure to children enrolled in a program in transitional bilingual education practical and meaningful opportunity to participate fully in the extra-curricular activities of the regular public schools in the city, town or district. Programs in transitional bilingual education shall, whenever feasible, be located in the regular public schools of the city, town or the district rather than separate facilities.

Children enrolled in a program of transitional bilingual education whenever possible shall be placed in classes with children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school committee so combining shall ensure that the instruction given each child is appropriate to his or her level of educational attainment and the city, town or the school districts shall keep adequate records of the educational level and progress of each child enrolled in a program. The maximum student-teacher ratio shall be set by the department and shall reflect the special educational needs of children enrolled in programs in transitional bilingual education.

Section 6. The board of education, hereinafter called the board, shall grant certificates to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. The requirements of section thirty-eight G of chapter seventy-one shall not apply to the certification of teachers of transitional bilingual education. Teachers of transitional bilingual education, including those serving under exemptions as provided in this section, shall be compensated by local school committees not less than a step on the regular salary schedule applicable to permanent teachers certified under said section thirty-eight G.

The board shall grant certificates to teachers of transitional bilingual education who present the board with satisfactory evidence that they (1) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (2) are in good health, provided that no applicant shall be disqualified because of blindness or defective hearing; (3) are of sound moral character; (4) possess a bachelor's degree or an earned higher academic degree or are graduates of a normal school approved by the board; (5) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the board; and (6) are legally present in the United States and possess legal authorization for employment.

For the purpose of certifying teachers of transitional bilingual education, the board may approve programs at colleges or universities devoted to the preparation of such teachers. The institution shall furnish the board with a student's transcript and shall certify to the board that the student has completed the approved program and is recommended for a teaching certificate.

No person shall be eligible for employment by a school committee as a teacher of transitional bilingual education unless he has been granted a certificate by the board; provided, however, that a school committee may prescribe such additional qualifications, approved by the board. Any school committee may upon its request be exempted from the certification requirements of this section for any school year in which compliance therewith would in the opinion of the department constitute a hardship in the securing of teachers of transitional bilingual education in the city, town or regional school district. Exemptions granted under this section shall be subject to annual renewal by the department.

A teacher of transitional bilingual education serving under an exemption as provided in this section shall be granted a certificate if he achieves the requisite qualifications therefor. Two years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring the status of serving at the discretion of the school committee as provided in section forty-one of chapter seventy-one, and said two years shall be deemed to immediately precede, and be consecutive with, the year in which a teacher becomes certified. In requesting an exemption under this section a school committee shall give preference to persons who have certified as teachers in their country or place of national origin.

All holders of certificates and legal exemptions under the provisions of section thirty-eight G of chapter seven-one who provide the board with satisfactory evidence that they possess a speaking and reading ability in a language other than English may be certified under this section as a teacher of transitional bilingual education.

Nothing in this chapter shall be deemed to prohibit a school committee from employing to teach in a program in transitional bilingual education a teacher certified under section thirty-eight G of chapter seventy-one, so long as such employment is approved by the department.

Section 7. A school committee may establish on a full or part-time basis pre-school or summer school programs in transitional bilingual education for children of limited English-speaking ability or join with the other cities, towns, or school districts in establishing such pre-school or summer programs. Pre-school or summer programs in transitional bilingual education shall not substitute for programs in transitional bilingual education required to be provided during the regular school year.

Section 8. The costs of the programs in transitional bilingual education required or permitted under this chapter, actually rendered or furnished, shall, for the amount by which such costs exceed the average per pupil expenditure of the city, town or the school district for the education of children of comparable age, be reimbursed by the commonwealth to the city, town or regional school districts as provided in section eighteen A of chapter fifty-eight.

Reimbursement shall be made upon certification by the department that programs in transitional bilingual education have been carried out in accordance with the requirements of this chapter, the department's own regulation, and approved plans submitted earlier by city, town or the school districts, and shall not exceed one and one-half million dollars for the first year, two and one-half million dollars per year for the second and third years, and four million dollars per year for the fourth and subsequent years of programs in transitional bilingual education. In the event that amounts certified by the department for reimbursement under this section exceed the available state funds therefor, reimbursement of approved programs shall be made based on the ratio of the maximum available state funds to the total funds expended by all of the school committees in the commonwealth.

Nothing herein shall be interpreted to authorize cities, towns or school districts to reduce expenditures from local and federal sources, including monies allocated under the federal Elementary and Secondary Education Act, for transitional bilingual education programs.

The costs of programs in transitional bilingual education, other than those actually reimbursed under this chapter, shall be "reimbursable expenditures" within the meaning of chapter seventy, and shall be reimbursed under said chapter.

Section 9. In addition to the powers and duties prescribed in previous sections of this chapter, the department shall exercise its authority and promulgate rules and regulations to achieve the full implementation of all provisions of this chapter. A copy of the rules and regulations issued by the department shall be sent to all cities, towns and school districts participating in transitional bilingual education.

Section 3. Subsection (b) of chapter 58 of the General Laws is hereby amended by striking out paragraph (3), as appearing in section 7 of chapter 546 of the acts of 1969, and inserting in place thereof the following paragraph:

(3) On or before November twentieth, the reimbursements for the special education programs required to be paid by the commonwealth under chapters sixty-nine, seventy-one and seventy-one A.

Section 4. Chapter 69 of the General Laws is hereby amended by inserting after section 34 under the caption BUREAU OF TRANSITIONAL EDUCATION the following section:

Section 35. There shall be established within the department, subject to appropriation, a bureau of transitional bilingual education which shall be headed by a project director. The project director shall be appointed by the board of education upon the recommendation of the commissioner, and said project director shall have the minimum qualifications of a bachelor degree in either business administration, liberal arts, or science, and shall have at least two years of documented administrative or teaching experience. The project director shall file a quarterly report with the board of education, the clerk of the house of representatives and the clerk of the senate.

The bureau for transitional bilingual education shall be charged with the following duties: (1) to assist the department in the administration and enforcement of the provisions of chapter seventy-one A and in the formulation of the regulations provided for in said chapter; (2) to study, review, and evaluate all available resources and programs that, in whole or in part, are or could be directed toward meeting the language capability needs of children and adults of limited English-speaking ability resident in the commonwealth; (3) to compile information about the theory and practice of transitional bilingual education in the commonwealth and elsewhere, to encourage experimentation and innovation in the field of transitional bilingual education, and to make an annual report to the general court and the governor; (4) to provide for the maximum practicable involvement of parents of children of limited English-speaking ability in the

planning, development, and evaluation of transitional bilingual education programs in the districts serving their children, and to provide for the maximum practicable involvement of parents of children of limited English-speaking ability, teachers and teachers' aides of transitional bilingual education, community coordinators, representatives of community groups, educators and laymen knowledgeable in the field of transitional bilingual education in the formulation of policy and procedures relating to the administration of chapter seventy-one A by the commonwealth; (5) to consult with other public departments and agencies, including but not limited to the department of community affairs, the department of public welfare, the division of employment security, and the Massachusetts commission against discrimination, in connection with the administration of said chapter; (6) to make recommendations to the department in the areas of pre-service and in-service training for teachers of transitional bilingual education programs, curriculum development, testing and testing mechanisms, and the development of materials for transitional bilingual education courses; and (7) to undertake any further activities which may assist the department in the full implementation of said chapter.

Section 5. Chapter eight hundred and fifty-two of the acts of nineteen hundred and seventy is hereby repealed.

House of Representatives,
October 26, 1971

REGULATIONS FOR USE IN ADMINISTERING PROGRAMS IN TRANSITIONAL BILINGUAL EDUCATION

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REGULATIONS FOR USE IN ADMINISTERING PROGRAMS IN TRANSITIONAL BILINGUAL EDUCATION

1. All provisions contained within the Transitional Bilingual Education Act, Mass. G.L. Ch. 71A, are hereby incorporated in these regulations by reference.

2. For the 1972-73 school year, school districts participating in the Transitional Bilingual Education program shall comply with the current school census law, Mass. G.L. Ch. 72, Sec. 2, and any regulations and/or guidelines promulgated by the Commissioner of Education respecting the census.

3. For the 1973-1974 school year and thereafter, each school committee shall conduct a census not later than March 1 of each year, of the number of children of limited English-speaking ability resident in the district. Such census shall count children resident in the district both in and out of school. In making such census the school committees shall seek the assistance and cooperation of agencies, organizations, or community groups, public or private, which have access to or information about children of limited English-speaking ability resident in the district. Every effort shall be made to keep the census current.

4. Each school district shall designate one regular employee principally responsible for the school district's census-taking activities under the Act.

5. School or non-school personnel conducting the census shall be able to communicate in the home language of the children being counted.

6. Children of limited English-speaking ability shall mean those children who meet the statutory requirements of native tongue and parentage and who have difficulty performing ordinary classwork in English due to problems handling the English language.

7. Each school district shall classify children of limited English-speaking ability within the district by the language a teacher of Transitional Bilingual Education qualified under Section 6 of the Act and the regulations designates as the child's primary language, or the language a parent of such child identifies as the child's primary language. Such language classifications shall correspond to living foreign languages such as Spanish, Portuguese, Chinese, French, Italian, Greek, etc.

8. A local project director, supervisor, or teacher in charge of Transitional Bilingual Education qualified under Section 6 of the Act and the regulations shall annually evaluate every child considered for placement in Transitional Bilingual Education and determine whether the child is of limited English-speaking ability and therefore eligible for a Transitional Bilingual Education program. Such determination shall be made according to guidelines established by the Bureau of Transitional Bilingual Education, and summarized in a short narrative statement entered in the child's school record. No child shall be placed in the Transitional Bilingual Education program unless such evaluation has been made. Every child determined to be eligible shall be placed in a Transitional Bilingual Education program according to the provisions of Section 3 of the Act. In initially establish-

ing Transitional Bilingual Education programs for all eligible children, priority shall be given to establishment of Transitional Bilingual Education programs for younger children. The parent of any child resident in the school district may request evaluation of his/her child for Transitional Bilingual Education, and the school district shall provide such evaluation upon parental request.

9. When, at the beginning of any school year, there are within a city, town or school district not including children who are enrolled in existing private school systems, twenty or more children of limited English-speaking ability in any such language classification, the school committee shall establish, for each classification, a program in Transitional Bilingual Education for all the children therein; provided, however, that a school committee may establish a program in Transitional Bilingual Education with respect to any classification with less than twenty children therein.

10. No school district shall enroll children of limited English-speaking ability of different primary language backgrounds in the same Transitional Bilingual Education class, without prior approval of the Bureau of Transitional Bilingual Education.

11. The costs of instruction, training and support, including the cost of Transitional Bilingual Education personnel, materials and equipment, tuition, intradistrict transportation, and consultant services, of the children in Transitional Bilingual Education classes under Chapter 71A, shall, for the amount by which such costs exceed the average per pupil expenditure of the school district for the education of children of comparable age, be reimbursed by the Commonwealth. Such reimbursement shall be made only after approval and certification by the Bureau of Transitional Bilingual Education that funds for Transitional Bilingual Educational personnel, materials and equipment, tuition, intra district transportation and consultant services were actually expended and that Transitional Bilingual Education classes have met the standards and requirements prescribed by the Act and the regulations.

12. An extra cost figure from 250 dollars to 500 dollars per pupil is considered reasonable for reimbursement under the Transitional Bilingual Act. Extra cost figures in excess of 500 dollars per pupil may be reimbursable under the Act. Considerations justifying extra per pupil cost expenditures in excess of 500 dollars will include planning costs of Transitional Bilingual Education programs, newness of programs, rapid expansion of existing programs, curriculum development, and material acquisition.

13. Determination of the extra costs of programs in Transitional Bilingual Education shall be made in conformity with accounting standards now in use, developed and to be developed by the Department of Education.

14. The costs of tuition for teachers or teacher aides training programs, when the teacher or teacher aide will teach or aide in teaching the Transitional Bilingual Education program in the following semester or school year shall be reimbursable up to an amount not exceeding 5 percent of the total reimbursable costs under this Act.

15. Extra costs of providing intra-district transportation for students enrolled in Transitional Bilingual Education programs shall be reimbursable expenses under the Act. However, no intra-district transportation expenses shall be reimbursable unless children of limited English-speaking ability cannot be accommodated within existing intra-district transportation schemes, other state transportation funds are not available, and the Bureau of Transitional Bilingual Education has approved such intra-district transportation as necessary for carrying out the purposes of the Act.

16. No school district shall decrease the level of local expenditure devoted to programs in Transitional Bilingual Education without prior approval of the Bureau of Transitional Bilingual Education.

17. No school district shall divert federal funds now expended on the education of children of limited English-speaking ability to other uses without prior approval of the Bureau of Transitional Bilingual Education. However, school districts may use federal funds for educational programs of benefit to children of limited English-speaking ability not satisfying the definition of Transitional Bilingual Education contained in the Act. It is recommended that federal monies be used for non-reimbursable and non-reimbursed costs of programs in Transitional Bilingual Education and other programs benefitting children of limited English-speaking ability.

18. In the event that reimbursable expenditures under the Act exceed total available state money for reimbursement, local districts shall receive reimbursement calculated as follows:

$$\% \text{ reimbursement} = \frac{\textit{total available state money}}{\text{total reimbursable expenditures under Ch. 71A}}$$

local district reimbursement = % reimbursement x local reimbursable expenditures.

19. Costs of Transitional Bilingual Education programs other than those actually reimbursed under the Act, shall be "reimbursable expenditures" within the meaning of Mass. G.L. Ch. 70, and shall be reimbursed under said Chapter.

20. Programs in Transitional Bilingual Education shall mean a full-time program of instruction (1) in all those courses or subjects which a child is required by law to receive and which are required by the child's school district in the native language of the children of limited English-speaking ability who are enrolled in the program and in English; (2) in the reading and writing of the native language of the children of the program and in the aural comprehension, speaking, reading and writing of English; and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

21. Instruction in courses of subjects included in a program of Transitional Bilingual Education which are not mandatory may be given in a language other than English. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art,

music and physical education, children of limited English speaking ability shall participate fully with their English-speaking contemporaries in the regular public school classes provided for said subjects. Each school committee of every city, town or school district shall ensure to children enrolled in a program in Transitional Bilingual Education practical and meaningful opportunity to participate fully in the extra-curricular activities of the regular public schools in the school district. Programs in Transitional Bilingual Education shall be located in regular public school rather than separate facilities, unless such location is shown to be not feasible and is approved by the Bureau of Transitional Bilingual Education.

22. Every school-age child of limited English-speaking ability not enrolled in existing private school systems shall be enrolled and participate in the program in Transitional Bilingual Education for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur. A child of limited English speaking ability enrolled in a program in Transitional Bilingual Education may, at the discretion of the school committee and subject to the approval of the child's parent or legal guardian, be continued in that program for a period longer than three years.

23. Transitional Bilingual Education programs shall be designed and conducted so that students enrolled in such programs can achieve skills in aural comprehension, speaking, reading and writing of English sufficient to perform ordinary classwork in English within the three-year transitional period.

24. The maximum student-teacher ratio shall be 15:1, except that the student-teacher ratio may be 20:1 where a native speaking teacher's aide is assigned to a Transitional Bilingual Education class, or a non-native speaking teacher's aide is assigned to a Transitional Bilingual Education class taught by a native speaker of the primary language of the children enrolled in the Transitional Bilingual Education program.

25. It is highly recommended that native speaking teacher aides be utilized in conjunction with Transitional Bilingual Education programs. Teacher aides should possess a speaking ability in the primary language of the children enrolled in the Transitional Bilingual Education program to which they are assigned. Wherever possible, it is recommended that such teacher aides be paid out of Title I funds, federal Elementary and Secondary Education Act.

26. The age spread in any Transitional Bilingual Education class shall be no more than 3 years from the oldest to the youngest child, except that the age spread in any Transitional Bilingual Education kindergarten class shall be no more than one year from the oldest to the youngest child.

27. The regulations shall be interpreted as encouraging experimentation or innovation in teaching Transitional Bilingual Education classes, including the use of such teaching techniques and devices as open classrooms, team teaching, etc. Programs in Transitional Bilingual Education need not duplicate courses of instruction in English and the native language. Ideas have no language.

28. Children enrolled in programs in Transitional Bilingual Education shall be taught the history and culture of their own background and the history and culture of the United States and to draw upon and balance both. Instruction in history and culture shall not stress memorization but knowledge which will encourage a student to keep and respect his own heritage and draw upon and understand the American way of life.

29. Children of limited English-speaking ability shall receive full regular program credit for all years completed and courses taken in programs for Transitional Bilingual Education. Children of limited English-speaking ability who move from programs in Transitional Bilingual Education of one school or school district to the Transitional Bilingual Education program of another school or school district shall do so without loss of grade.

30. It is highly recommended that school districts utilize full or part time native-speaking community coordinators who shall act as liaisons between the school district and the parents of children of limited English-speaking ability and visit the homes of the children in order to exchange information about the Transitional Bilingual Education program.

31. It is highly recommended that school districts utilize full or part-time native speaking guidance or pupil adjustment counselors in Transitional Bilingual Education programs.

32. School districts participating in Transitional Bilingual Education programs shall take measures to assure adequate administration of the programs. A school district administering a Transitional Bilingual Education program for 200 or more children shall appoint a local project director, supervisor, or teacher in charge for its Transitional Bilingual Education program. The local project director, supervisor, or teacher in charge shall be qualified to teach in a Transitional Bilingual Education program and shall exercise supervisory responsibility over the district's Transitional Bilingual Education program.

33. School districts participating in Transitional Bilingual Education programs shall designate a committee of three or more members, including one or more representatives each from the school administration, Transitional Bilingual Education Program, and Parent Advisory Committee, who shall be responsible for conducting an annual review of the district's Transitional Bilingual Education programs and reporting its conclusions to the Bureau of Transitional Bilingual Education and the school committee. Such committee shall insure the district's awareness of regulations, guidelines, and communications between the Department of Education and the local districts.

34. School districts shall send progress reports to parents of children enrolled in Transitional Bilingual Education programs in the same manner and frequency as progress reports sent to parents of other children enrolled in the school district. Such progress reports shall be written in English and the native language of the parents of children enrolled in the program.

35. Children enrolled in Transitional Bilingual Education programs shall have full access to special and other educational services available to other children in local school districts.

36. Preschool or summer school Transitional Bilingual Education programs shall comply with the statutory definition of Transitional Bilingual Education, except that such preschool or summer Transitional Bilingual Education programs may be full or part-time.

37. A school district may provide a kindergarten program in Transitional Bilingual Education, and the extra costs of such programs shall be reimbursable expenditures under Section 7 of the Act. One year of a kindergarten program in Transitional Bilingual Education may be counted toward the three-year Transitional Bilingual Education programs required or permitted under the Act. School districts are highly encouraged to provide kindergarten programs in Transitional Bilingual Education.

38. For the 1973-74 school year and thereafter, each school district operating a Transitional Bilingual Education program shall establish a Parent Advisory Committee (PAC) on Transitional Bilingual Education. The Parent Advisory Committee shall be comprised of parents of children of limited English-speaking ability enrolled in Transitional Bilingual Education programs. The Parent Advisory Committee shall have at least five members, including one or more representatives from every language group in which Transitional Bilingual Education is conducted in the district. Members of the Parent Advisory Committee shall be selected in a manner which fairly represents the view of parents of children in Transitional Bilingual Education programs.

39. The Parent Advisory Committee shall meet regularly with school officials, and at least once annually with the school committee, to participate in the planning, development and evaluation of the district's Transitional Bilingual Education program. Members of the PAC shall have access to Transitional Bilingual Education program records.

40. The Parent Advisory Committee may appoint subcommittees (sub-PACs) for different language groups and/or schools participating in the district's Transitional Bilingual Education program.

41. After the 1972-1973 school year, no plan shall be approved under this Act which has not been submitted in advance to the chairman and each member of the Parent Advisory Committee.

42. Parents of children of limited English-speaking ability enrolled in Transitional Bilingual Education programs who are members of Title I Parent Advisory Committees shall be eligible to participate on Parent Advisory Committees established under the Act and regulations.

43. Transitional Bilingual Education programs may include children of English-speaking ability subject to the notification and withdrawal provisions of Section 3 of the Act.

44. School districts establishing joint programs under Section 4 of the Act may establish such financial arrangements as they see fit, including tuition arrangements and shall work out equitable reimbursement arrangements with the Bureau of Transitional Bilingual Education and the Department of Education, according to guidelines promulgated by the Department of Education.

45. No later than ten days after the enrollment of any child in a program in Transitional Bilingual Education the school committee of the city, town or the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in Transitional Bilingual Education. The notice shall contain a simple, non-technical description of the purposes, method and content of the program in which the child is enrolled and shall inform the parents that they have the right to visit Transitional Bilingual Education classes in which their child is enrolled and to come to the school for a conference to explain the nature of Transitional Bilingual Education. Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in Transitional Bilingual Education in the manner as hereinafter provided. The notice shall be in writing in English and the language of which the child of the parents so notified possess a primary speaking ability.

46. It is recommended that notice of enrollment in Transitional Bilingual Education programs be sent to the parents as soon as practicable preferably in the weeks preceding opening of school.

47. Parents shall have an absolute right to withdraw their children from Transitional Bilingual Education programs unconditionally at any time up to one month from the date they receive notice of enrollment. Thereafter, they may exercise their right to withdrawal only at the end or beginning of a semester, or with permission of a teacher of Transitional Bilingual Education qualified under Section 6 of the Act and the regulations.

48. Parents of children of limited English-speaking ability enrolled in Transitional Bilingual Education programs shall have access to their children's individual school records and shall have the right to visit Transitional Bilingual Education classes in which their children are enrolled. Parents shall also have the right to request and receive a conference with a Transitional Bilingual Education teacher qualified under Section 6 of the Act and the regulations, relating to the nature and purposes of the Transitional Bilingual Education program, and their children's progress in school.

49. For the 1972-1973 school year, school districts participating in the Transitional Bilingual Education programs shall submit such letters of intent and plans as may reasonably be required by the Bureau of Transitional Bilingual Education to determine whether the school district is in compliance with the Act and the regulations. For the 1973-1974 school year and thereafter, school districts shall submit letters of intent and plans in accordance with sections 50 through 56 of the regulations.

50. For the 1973-1974 school year and thereafter, school districts shall submit letters of intent for programs in Transitional Bilingual Education to the Bureau of Transitional Bilingual Education by December 1st of the school year preceeding the implementation of a program in Transitional Bilingual Education. Such letter of intent shall contain a short narrative description of the proposed Transitional Bilingual Education program. The Bureau of Transitional Bilingual Education shall provide the school district a response in writing by February 1st of the school year preceeding the implementation of a program in Transitional Bilingual Education.

51. School districts shall submit plans for programs in Transitional Bilingual Education to the Bureau of Transitional Bilingual Education by March 31st of the school year preceeding the implementation of a program in Transitional Bilingual Education. Such plans shall comply with the Act and the regulations and shall contain information required by the Bureau to determine whether the school district is in compliance with the Act and the regulations. Plans shall be submitted in accordance with guidelines and forms to be prepared by the Bureau of Transitional Bilingual Education.

52. Plans shall set forth steps taken towards a census of children of limited English speaking ability resident in the school district.

53. Plans shall describe the ways and means by which a Transitional Bilingual Education program will teach the history and culture of the native land of children of limited English-speaking ability resident in the school district.

54. Allowance shall be made for school districts adopting an 18-month budget for purposes of conversion to a school accounting system by fiscal year.

55. No program in Transitional Bilingual Education shall be eligible for reimbursement which has not submitted a plan approved by the Bureau of Transitional Bilingual Education. The Bureau shall process and approve such plans or recommend changes in such plans by May 15th of the school year preceeding the implementation of a program in Transitional Bilingual Education.

56. Plans submitted for approval of Transitional Bilingual Education programs shall contain Transitional Bilingual Education program projections for the following two school years. Such projections shall be regularly updated for submission with plans for following school years.

57. The Board of Education may upon petition of a school committee waive any of the provisions of these regulations as to any particular district for such time as may to the Board seem reasonable to avoid undue hardship to such district.

REGULATIONS FOR THE CERTIFICATION OF BILINGUAL TEACHERS

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2. Mandatory certification
3-4. Exemptions from certification
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6. Substitute teachers
7-8. Definition of "normal schools"
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1. Elementary School Teachers
2. Secondary School Teachers
3. Special Subject Teachers
4. Special Class Teachers
5. Teachers of Speech- and Hearing-Handicapped
6. Teachers of Deaf

REGULATIONS FOR USE IN ADMINISTERING THE CERTIFICATION OF BILINGUAL TEACHERS

I. *General Regulations for Certification.*

1. An applicant for certification as an elementary, secondary or special subject teacher of Transitional Bilingual Education shall complete and submit an application for such certification on a form provided by the Board of Education.

2. No person shall be employed by a school committee as a teacher of Transitional Bilingual Education unless granted the appropriate certificate by the Board of Education or unless serving under an exemption granted by the Board of Education as provided by #3 and #4 below.

3. A request by a school committee to be exempt for any school year from the requirements of #2 above must be completed on waiver forms supplied by the Board of Education. Requests for such exemptions will be considered only if the individual for whom the waiver is being requested has filed a completed application for certification. Subsequent exemptions for the same individual may be granted the school committee on application if the superintendent attests to the individual's successful teaching performance and if evidence of substantial progress toward meeting certification requirements is provided.

4. Anyone certified or legally exempt under Section 38G of Chapter 71 and legally employed before the date of promulgation of these regulations as a teacher of bilingual education in a program in Transitional Bilingual Education such as that defined in Section 1 of Chapter 71A shall be exempt from the certification requirements in #2 above as a teacher of Transitional Bilingual Education at the level and in the subject of such employment.

5. The certificates issued by the Board of Education under these regulations shall be permanent certificates.

6. A temporary substitute teacher not certified by the Board may be employed by a school committee as a teacher of bilingual education to take the place of a regularly employed teacher of Transitional Bilingual Education who is on leave for less than a school year because of illness or any other authorized reason.

7. The term "normal school" as used in the law shall be interpreted to mean four-year normal school courses.

8. Normal schools must be approved by the Board of Education. Normal schools outside Massachusetts may be approved by the Board if they are approved by the Department of Education/Ministry of Education of the State/Country in which they are operated.

9. Courses in education must be so listed in official publications or so described in official letters of the college or university.

10. Six semester hours of student teaching required for teaching certificates is interpreted to mean only that part of the student teaching program which is devoted to student participation and independent practice.

11. Two semesters or seven months with evidence of contract renewal of paid, continuous, successful teaching experience in a class of Transitional Bilingual Education at the appropriate level may be accepted in lieu of supervised student teaching when validated by the employing superintendent or supervising building principal.

12. Whenever certification regulations promulgated under Section 38G of Chapter 71 are being revised, certification regulations promulgated under Chapter 71A shall be reviewed for possible adaptions. The State Bilingual Advisory Council will be consulted in any such review.

13. A. Any certificate issued by the Board of Education may be revoked for cause. The Board may find cause for revocation by a majority vote at any regular or special meeting if it is found that:

1) The certificate was obtained through fraud or the misrepresentation of material fact.

2) The holder of the certificate is professionally unfit to perform the duties for which certification was granted.

3) The holder of a certificate is convicted in a court of law of seditious or subversive activity in violation of a state or federal law or of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the Board of Education the person so convicted discredits the profession or brings into disrepute the Massachusetts certificate.

B. No certificate shall be revoked unless:

1) The holder is notified by registered mail to the last address listed by the holder in the Bureau of Teacher Certification and Placement of the reasons for revocation and attached thereto a copy of this regulation. Such notification must be issued at least thirty days prior to the effective date of notification in which to request in writing a hearing before the Board of Education on the issue of revocation. If such a request for a hearing is received by the Board of Education, the Board shall set a date for such hearing not later than ninety days after the date of the original notice of revocation. The holder of a certificate may be represented by counsel at such hearing. The hearing will be private but the certificate holder may present such witnesses as may be necessary to rebut the causes alleged for revocation.

2) Within thirty days of the date of the hearing, the Board of Education shall vote on the question of revocation of the certificate. If two-thirds of the membership of the Board shall vote in the affirmative, the holder's certificate shall be revoked. The holder

shall be notified of the results of the vote by registered mail to the last address known to the Bureau of Teacher Certification and Placement.

C. Notice of revocation of certification shall be sent to all Massachusetts superintendents of schools and to the certification officers of every state within ten days of the effective date of such revocation.

D. No person whose certificate has been revoked under these regulations may again be certified in Massachusetts except by two-thirds vote of membership of the Board of Education.

14. A school committee or an approved teacher preparatory institution, using criteria established by the Board of Education, may determine that an individual possesses a speaking and reading ability in a language other than English, communicative skills in English and an understanding of the history and culture of the country, territory or geographical area whose spoken language is that in which the candidate possesses such speaking and reading ability. A statement to this effect signed by a superintendent of schools or the appropriate administrator of the preparing institution and approved by the Director of the Bureau of Transitional Bilingual Education may be submitted as evidence that an individual meets this requirement.

15. Graduates of institutions accredited by the National Council for the Accreditation of Teacher Education, NCATE, upon evidence of completion of a program approved for the certification of teachers of bilingual education and recommendation of the preparing institution may be deemed to have completed a preparational program adequate for issuance of the appropriate certificate as a teacher of Transitional Bilingual Education.

16. Graduates of preparatory programs approved by the Board of Education using the guidelines for program approval embodied in the National Association of State Directors of Teacher Education and Certification, NASDTEC, publication *Standards for State Approval of Teacher Education*, may upon evidence of completion of a program approved for the certification of teachers of bilingual education and recommendation of the preparing institution be deemed to have completed a preparational program adequate for the issuance of the appropriate certificate for teachers of Transitional Bilingual Education.

II. *Specific Regulations for Certificates.*

Elementary School Teachers of Transitional Bilingual Education (Kindergarten through Grade VIII).

An applicant for certification as an elementary teacher of Transitional Bilingual Education shall submit evidence of eighteen semester hours in elementary education, not less than six semester hours of which must be in supervised student teaching in a bilingual education class in the elementary grades. The remaining semester hours must include courses covering Meth-

ods and Materials in Bilingual Education in Elementary Education and one of the following:

Educational Psychology, including Child Growth and Development,
Philosophy of Education,
Curriculum Development in Bilingual Education in Elementary Education.

Secondary School Teachers of Transitional Bilingual Education (Junior and Senior High Schools).

An applicant for certification as a teacher of Transitional Bilingual Education in the secondary schools shall submit evidence of:

1) Twelve semester hours in Secondary Education, not less than six semester hours of which must be in supervised student teaching in bilingual education in the secondary grades. The remaining semester hours must include courses in Methods and Materials in Bilingual Education in Secondary Education and one or more of the following areas:

Educational Psychology, including Adolescent Growth and Development,
Philosophy of Education,
Curriculum Development in Bilingual Education in Secondary Education

and

2) Eighteen semester hours in one of the following areas: English, History, Geography, Social Studies, Mathematics, Chemistry, Physics, Biology, General Science, Earth Science, one of the foreign languages.

Special Subject Teachers of Transitional Bilingual Education.

An applicant for certification as a special subject teacher of Transitional Bilingual Education shall submit evidence of:

1) Twelve semester hours in Education approved for the preparation of teachers of the special subject. Not less than six semester hours must be in supervised student teaching at the appropriate level. The remaining semester hours must include courses in Methods and Materials in Bilingual Education and one of the following areas:

Education Psychology, including Child and/or Adolescent Growth and Development,
Philosophy of Education,
Curriculum Development in the Special Subject Field

and

2) Eighteen semester hours in one or more of the following areas: Health and Physical Education, Health, Business Subjects, Home Economics, Industrial Arts, Reading, Art, Music, Speech, Driver Education.

Special Class Teachers of Transitional Bilingual Education (Mentally Retarded).

1) An applicant for certification as a special class teacher of Transitional Bilingual Education shall submit evidence of thirty semester hours in Education covering the following areas:

Methods and Materials in Bilingual Education,
Psychology of Subnormal and Unadjusted Children,
Industrial Arts and/or Crafts or Domestic Arts,
Special Class Methods,
Educational Measurements,
Supervised Student Teaching

or

2) Regularly appointed teachers of bilingual education with three years of classroom experience in bilingual education may be certified as teachers of Transitional Bilingual Education by submitting evidence of such experience together with proof of completion of twelve semester hours of:

Psychology of Subnormal and Unadjusted Children,
Special Class Methods,
Educational Measurements,
Industrial Arts and/or Crafts or Domestic Arts.

Teachers of Speech and Hearing Handicapped in Transitional Bilingual Education.

An applicant for certification as a teacher of speech and hearing handicapped in Transitional Bilingual Education shall submit evidence of thirty semester hours of Education. Eighteen of these semester hours shall be distributed over the following six required areas, each of which shall be represented by at least one two-semester-hours course:

Anatomy and Physiology of the Speech and Hearing Mechanism,
Speech Pathology,
Speech Correction, including Laboratory Clinical Practice or Student Teaching,
Speech Reading and Auditory Training, including Laboratory Clinical Practice or Student Teaching,
Phonetics,
Diagnostic Hearing Testing.

The remaining twelve semester hours shall include Methods and Materials in Bilingual Education and any three of the following areas:

Psychology of the Handicapped,
Principles of Teaching Handicapped Children,
Child Development,
Adolescent Development,
Guidance,

Educational Tests and Measurements,
Mental Hygiene.

Teachers of the Deaf in Transitional Bilingual Education.

An applicant for certification as a teacher of the deaf in Transitional Bilingual Education shall submit evidence of thirty semester hours in Education completed within a six-year period. The thirty semester hours must include courses in:

Methods and Materials in Bilingual Education,
The Teaching of Speech to the Deaf,
The Teaching of Language to the Deaf,
Methods of Teaching Elementary School Subjects to the Deaf,
Problems in the Education and Guidance of the Deaf,
Auditory and Speech Mechanism,
Audiometry, Hearing Aids, and Auditory Training,
Methods of Teaching Speechreading to the Deaf and Hard of Hearing,
Observation and Student Teaching,
Psychology of Exceptional Children.

CRITERIA TO DETERMINE BILINGUAL TEACHER COMPETENCIES IN LANGUAGE SKILLS AND CULTURE

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CRITERIA TO DETERMINE BILINGUAL TEACHER COMPETENCIES IN LANGUAGE SKILLS AND CULTURE

Chapter 71A, Section 6 of the Acts of 1971, Transitional Bilingual Education, establishes requirements for the granting of certificates to teachers of Transitional Bilingual Education who possess such qualifications as are prescribed in the Law. A school committee or an approved teacher preparatory institution, using criteria established by the Board of Education, may determine that an individual possesses a speaking and reading ability in a language other than English, communicative skills in English and an understanding of the history and culture of the country, territory or geographical area whose spoken language is that in which the candidate possesses such speaking and reading ability. A statement to this effect signed by a superintendent of schools or the appropriate administrator of the preparing institution and approved by the Director of the Bureau of Transitional Bilingual Education may be submitted as evidence that an individual meets this requirement.

The Board of Education of the Commonwealth of Massachusetts herein issues criteria to determine a bilingual teacher's competencies in language skills and culture in accordance with Chapter 71A, Section 6, Acts of 1971. The criteria established by the Board of Education as given below are applicable to teachers teaching content in non-English languages and to teachers teaching the language itself and to teachers teaching the culture of the language considered.

1. To determine that an individual possesses a speaking and reading ability in a language other than English he must meet the Foreign Service Institute Native or Bilingual Proficiency rating S-4 and R-4.

S-4. Able to use the language fluently and accurately on all levels normally pertinent to professional needs. Can understand and participate in any conversation within the range of his experience with a high degree of fluency and precision of vocabulary; would rarely be taken for a native speaker, but can respond appropriately even in unfamiliar situations; errors of pronunciation and grammer quite rare; can handle informal interpreting from and into the language.

R-4*. Able to read all styles and forms of the language pertinent to professional needs. With occasional use of a dictionary can read moderately difficult prose readily in any area directed to the general reader, and all material in his special field including official and professional documents and correspondence; can read reasonably legible handwriting without difficulty.

*Note: Chinese: Special consideration given to languages such as Chinese and Japanese.

2. To determine that an individual possesses communicative skills in English he must meet the Foreign Service Institute Minimum Professional Proficiency S-3 and R-3.

S-3. Able to speak the language with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on practical, social, and professional topics. Can discuss particular interests and special fields of competence with reasonable ease; comprehension is quite complete for a normal rate of speech; vocabulary is broad enough that he rarely has to grope for a word; accent may be obviously foreign; control of grammar good; errors never interfere with understanding and rarely disturb the native speaker.

R-3. Able to read standard newspaper items addressed to the general reader, routine correspondence, reports and technical material in his special field. Can grasp the essentials of articles of the above types without using a dictionary; for accurate understanding moderately frequent use of a dictionary is required. Has occasional difficulty with unusually complex structures and low-frequency idioms.

3. To determine that an individual possesses an understanding of the history and culture of the country, territory or geographical area whose spoken language is that in which the candidate possesses such speaking and reading ability he must meet the Modern Language Association Statement of Qualification for Teachers of Modern Foreign Languages as adapted below.

An understanding of the cultural and linguistically different people and their culture such as is achieved through travel and residence abroad, through study of systematic descriptions of the other culture, its geography, history, art, social customs, and contemporary civilization.

Approval Procedures

To insure that school committees and approved teacher preparatory institutions meet the criteria established by the Board of Education, the Bureau of Transitional Bilingual Education requires that the following procedures be met:

1. Establish a Board of Examiners to assist the school committee or the approved teacher preparatory institution in verifying possession of the skills and competencies required by law and the proficiency specified in the criteria.

The following guidelines will be observed:

a. The Board of Examiners will be composed of a minimum of three members.

1. The first member shall be an educator who possesses language competency and cultural awareness equivalent to the FSI

ratings S-4 and R-4 and the MLA rating for cultural awareness adopted by the Board of Education.

2. A second member shall be an administrator, and

3. A third shall be a member of the community of the language being examined. The community member shall be chosen by a committee made up of parents and community representatives of the language being served. Parent Advisory Councils should be utilized to implement this requirement.

b. The Board of Examiners may require written examinations of a formal or informal nature to determine competency in reading and writing.

c. The Board of Examiners shall interview each candidate orally to determine speaking facility, awareness of culture and knowledge of history and customs.

d. Appointment to the Board of Examiners shall be by the local school committee or approved teacher preparatory institution renewable each year.

2. Submit in writing to the Bureau of Transitional Bilingual Education a plan stating the methods to be utilized to meet the criteria.

3. The Bureau of Transitional Bilingual Education shall:

a. Approve all plans,

b. Reserve the right to participate in the interview and examination process,

c. Approve evidence attesting that an individual meets all the requirements,

d. Submit a statement of approval that an individual meets all the requirements to the Bureau of Teacher Certification and Placement.

GUIDELINES FOR PARENTAL INVOLVEMENT IN TRANSITIONAL BILINGUAL EDUCATION PROGRAMS

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(Items 38-42 of the Regulations for Administering Programs as provided for in Chapter 71A)

GUIDELINES FOR PARENTAL INVOLVEMENT IN TRANSITIONAL BILINGUAL EDUCATION PROGRAMS

WHEN

1. January, 1973 — Each local bilingual program shall organize a Parent Advisory Committee (PAC) according to the guidelines set forth by the Bureau of Transitional Bilingual Education.

2. The submission of plans for Transitional Bilingual Education programs for the 1973-1974 school year must comply with section forty-one (41) of the Regulations:

> After the 1972-1973 school year, no plan shall be approved under this Act which has not been submitted in advance to the chairman and each of the members of the Parents Advisory Committee.

HOW

1. The Superintendent is responsible for assigning an appropriate person (the director or the head teacher of the bilingual program) to develop the Parent Advisory Committee for the bilingual program of each linguistic group. Minimum membership will be *five* parents in each PAC. A single PAC will represent a maximum of three hundred (300) students.

2. Bilingual teachers through contacts with the parents can identify and recommend potential members.

3. Bilingual coordinators, teacher aides and related community agencies can disseminate information regarding the PAC concept.

4. Incentive for membership should be provided through social and educational activities relevant to the community involved. Assistance in fulfilling this responsibility may be sought from community-based organizations.

5. The possibility of providing a stipend to parents for attending PAC meetings should be explored through Model Cities, CAP agencies, Urban Leagues, etc.

6. A training program should be provided for the parents to prepare them to fulfill their duties as members of PAC.

7. The location for meetings should be decided by the membership so as to avoid any element that could be discomforting to persons of other cultures. Meetings could well be conducted in community centers, parish halls, social clubs, homes, etc.

WHY

1. The Bureau of Transitional Bilingual Education is charged by law to provide for the maximum practicable involvement of parents of children of limited English-speaking ability in the planning, development and evaluation of Transitional Bilingual Education programs in the districts serving their children.

2. The Regulations of the Law provide specific norms for Parent Participation in sections 38, 39, 40, 41 and 42. (Those regulations are reprinted here as an appendix).

3. The participation of parents in the individual Transitional Bilingual Education programs for their children is an inherent right of the linguistic communities involved.

WHO

1. Membership in each single linguistic PAC should consist of a minimum of five parents and the following general composition:

   a. Any parent of children presently in the program.

   b. Other community representatives recommended by the parents or approved by them.

   c. A minimum of one student representative.

2. Membership in the Master PAC — in multilingual or extensive bilingual programs should include:

   a. Parent representation from each linguistic minority or local PAC.

   b. Representation from community, civic, educational, social and religious organizations who relate to the interests of the parents.

   c. Student representation.

Note: The position of full-time Parent Advisory Committee Coordinator for multilingual and extensive bilingual programs may be included in the budget as a reimbursable item.

3. Other participants at meetings by invitation could include:

   a. School administrators.

   b. Teachers in the bilingual program or in the regular classes of the schools involved.

   c. Community coordinators, teacher aides, student advisors, etc.

   d. Any other members of the community whose expertise can contribute in a positive way to the success of the program.

Note: 1. Membership of non-parents is by recommendation and group concensus.

2. The chairman is elected from and by the membership.

3. Bi-monthly meetings shall be scheduled, although more frequent meetings may be called as needed.

WHAT

Responsibilities of the PAC shall include the following:

1. To become familiar with the bilingual program, its functions in the community and how it should be affecting their children in the home.

2. To serve as an advisory body to the school in all phases of the bilingual program.

3. To review, make recommendations and pass a final decision in writing, over a minimum timetable of thirty days, on the validity of the plan for the bilingual program to be submitted annually by the school committee through the superintendent to the Bureau of Bilingual Education as specified in the Regulations.

4. To participate in the interviewing process of candidates for all bilingual positions in the program. (Any PAC member employed in the program is automatically excluded from this function.)

5. To disseminate information on bilingual education throughout the community.

6. To identify newly-arrived families of the various linguistic groups and extend the services of the bilingual program to the children.

7. To organize interest groups that will stimulate parent participation in school activities.

8. To reinforce cultural awareness.

9. To serve as a pressure group for the total implementation of the bilingual law in the programs in the area or the linguistic group represented by each PAC.

10. To participate in an appeals process regarding controversial issues between the students in the bilingual program and the School System.

11. To contribute in any way possible to the improvement and the enrichment of the bilingual program designed by law to benefit their children.

APPENDIX

GUIDELINES FOR PAC INVOLVEMENT IN TRANSITIONAL BILINGUAL EDUCATION PROGRAM.

PARENT PARTICIPATION REGULATIONS

38. For the 1973-1974 school year and thereafter each school district operating a Transitional Bilingual Education program shall establish a Parent Advisory Committee (PAC) on Transitional Bilingual Education. The Parent Advisory Committee shall be comprised of parents of children of limited English-speaking ability enrolled in Transitional Bilingual Education programs. The Parent Advisory Committee shall have at least five (5) members including one or more representatives from every language group in which Transitional Bilingual Education is conducted in the district. Members of the Parent Advisory Committee shall be selected in a manner which fairly represents the view of parents of children in Transitional Bilingual Education programs.

39. The Parent Advisory Committee shall meet regularly with school officials and at least once annually with the school committee to participate in the planning, development and evaluation of the district's Transitional Bilingual Education program. Members of the PAC shall have access to Transitional Bilingual Education program records.

40. The Parent Advisory Committee may appoint subcommittees (sub-PAC's) for different language groups and/or schools participating in the district's Transitional Bilingual Education program.

41. After the 1972-1973 school year, no plan shall be approved under this Act which has not been submitted in advance to the chairman and each member of the Parent Advisory Committee.

42. Parents of children of limited English-speaking ability enrolled in Transitional Bilingual Education programs who are members of Title I Parent Advisory Committees shall be eligible to participate on Parent Advisory Committees established under the Act and Regulations.

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GENERAL REGULATIONS AND PROCEDURES REGARDING CENSUS OBLIGATIONS

A. *The Act*

Chapter 71A, The Transitional Bilingual Education Act, requires the following: "Each school committee shall ascertain, not later than the first day of March, under regulations prescribed by the department, the number of children of limited English-speaking ability within their school system, and shall classify them according to the language of which they possess a primary speaking ability."

The Act further specifies that, "When, at the beginning of any school year, there are within a city, town or school district not including children who are enrolled in existing private school systems, twenty or more children of limited English-speaking ability in any such language classification, the school committee shall establish, for each classification, a program in transitional bilingual education for the children therein provided, however, that a school committee may establish a program in Transitional Bilingual Education with respect to any classification with less than twenty children therein."

B. *General Information*

The fall statistical data which local school districts file with the Department includes data collected in satisfaction of the requirements of Chapter 72, Section 2.

In order to meet the requirements of these standards it is expected that school districts provide Bilingual Census data with the annual registration required under Chapter 72, Section 2.

Briefly, it requires that each school district count children of limited English-speaking ability in and out of school by conducting a census in the homes and in the schools.

C. *Regulations*

1. For the 1972-73 School Year, school districts participating in the Transitional Bilingual Education Program shall comply with the current school census law, Mass. G. L. Ch. 72, Sec. 2, and any regulations and/or guidelines promulgated by the Commissioner of Education respecting the census. (Regulation #2. Consult also the Commissioner of Education's Memorandum dated 1/21/72 *Census Obligations.)*

2. For the 1973-74 School Year and thereafter, each school committee shall conduct a census not later than March 1 of each year, of the number of children of limited English-speaking ability resident in the district. Such census shall count children resident in the district both in and out of school. In making such census the school committees shall seek the assistance and cooperation of churches, agencies, organizations or community groups, public or private, which have access to or information about children of limited English-speaking ability resident in the district. Every effort shall be made to keep the census current. (Regulation #3.

3. Each school district shall designate one regular employee principally responsible for the school district's census-taking activities under the Act. (Regulation =4.)

4. School or non-school personnel conducting the census shall be able to communicate in the home language of the children being counted. (Regulation =5.)

D. *Procedures and Deadlines for Collecting In-School Data*

1. Principal in each school building housing children of limited English speaking ability as defined shall record data on Form C-4a-74 and submit it to the local school central office for bilingual affairs.

Note that data for two classifications is required, namely:
(a) children whose first language is other than English,
(b) children who have been identified as limited English speaking and who need Transitional Bilingual Programming.

2. Each School Building principal should keep a listing of students of limited English-speaking ability needing Transitional Bilingual Education. Use Form C-3-74. This should be on file in the School Building office complete with the information asked for. (This information should be available to the staff of the Bureau of Transitional Bilingual Education on request).

3. The central office for bilingual affairs shall compile the individual school in-school Census Count and record the summary on Form C-4-74.

4. Copies of each individual school in-school Census Count Form C-4a-74 and the Summary Sheet C-4-74 should be submitted to the Bureau of Transitional Bilingual Education.

5. Cover Sheet Form C-1-74 should be signed by the duly authorized personnel.

6. It is expected that the in-school count be submitted to the Bureau of Transitional Bilingual Education on or before October 31 each year.

E. *Procedures and Deadlines for Collecting Data for the In-Home Count*

1. Personnel responsible for this activity shall record any recently registered child who has been identified as a result of an in-home count.

The Bureau of Transitional Bilingual Education requires a list of recently registered children be kept on file in each school building with the following data on each child.

a. Name of Child
b. Address
c. Place of Birth
d. Date of Birth, Age
e. School last attended
f. Date last attended school
g. First language other than English
h. Where has the child been placed? Standard curriculum or Transitional Bilingual Education?
i. Grade Placement
j. How did the child get to be registered?

k. How long has the child resided in this city or town?

2. The Department or office responsible for the conduct of the census should demonstrate specifically how (by what procedures) the census was conducted. It should also specify its capability to conduct the census in the home in a language other than English.
This information should accompany census data sent to the State Bureau of Transitional Bilingual Education.

3. Use Form C-4b-74 to summarize the in-home count,

4. Submit Form C-4b-74 with covering sheet (Form C-1-74) to the State Department of Education, Bureau of Transitional Bilingual Education, on or before March 1, each year.

F. *General Considerations for the In-Home Count*

1. Census taken shall count only those children residing in the area of the school district whose first language is other than English.

2. The only successful means of performing an adequate census of non-English-speaking children in a community is by personal interviews in the homes. In view of this fact, it is necessary to hire, on a temporary basis, during the time of the census, a native-speaking community worker who can meaningfully relate to the families in their native language and culture. This person will conduct such a census by interviewing the families concerned using the C-2-73 form prescribed by the Bureau of Transitional Bilingual Education.

3. Seek the assistance and cooperation of religious organizations, community-based social agencies and other community groups, public or private. They may have information about children of limited English-speaking ability resident in the district.

4. Regularly seek out information from the children in the bilingual classes throughout the system concerning their knowledge of non-English-speaking families (relatives, friends, neighbors, etc.) who may be arriving in the area. Teacher aides and community coordinators may well serve as contact people in this out-search effort.

5. Use news media to inform parents of children of limited English-speaking ability about the following:

1) The existence of a Transitional Bilingual Education Program in Public Schools of the community.
2) The State requirement to conduct a local census in the homes of children of limited English-speaking ability.
3) The local obligation to place children in a program of Transitional Bilingual Education.
4) The parental prerogative to keep children in the program.
5) The local contact person to whom parents may address their questions.

G. *Due Dates:*

In-School Count October 31 In-Home Count March 1

Mail All Correspondence To:

Director, Bureau of Transitional Bilingual Education
182 Tremont Street
Boston, Massachusetts 02111